

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES HARNER,

Plaintiff,

v.

Case No. 1:12-cv-00820-KJG-ACT

WONG CORPORATION, d/b/a PC MAGIC PRO,
a/k/a PC MAGIC,

Defendant.

PARTIAL SUMMARY JUDGMENT

Having partially granted Wong Corporation's Motion for Summary Judgment (Doc. 17), filed November 28, 2012, in a Memorandum Opinion and Order enter contemporaneously with this Partial Summary Judgment,

IT IS ORDERED that:

1. summary judgment is denied on Plaintiff Charles Harner's claim referring to the advertisement on page 256 of the 2008/2009 Yellowbook ad in Count I of the Complaint for Infringement of Copyright (Doc. 1);

2. summary judgment is entered in Defendant Wong Corporation, d/b/a PC Magic Pro, a/k/a PC Magic's favor as to Plaintiff's claims referring to the advertisements on pages 261, 264, and 267 of the 2008/2009 Yellowbooks Ads in Count I of the Complaint for Infringement of Copyright (Doc. 1);

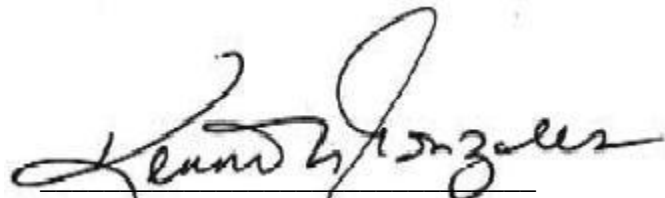
3. Plaintiff's claims referring to the advertisements on pages 261, 264, and 267 of the 2008/2009 Yellowbooks Ads in Count I of the Complaint for Infringement of Copyright (Doc. 1) are dismissed with prejudice;

4. summary judgment is entered in Defendant's favor on Counts II, III, IV, and V of the Complaint for Infringement of Copyright (Doc. 1);

5. Counts II, III, IV, and V of the Complaint for Infringement of Copyright (Doc. 1) are dismissed with prejudice;

6. summary judgment is entered in Defendant's favor as to Plaintiff's claims for statutory damages and attorney's fees under the federal Copyright Act; and

7. Plaintiff's claims for statutory damages and attorney's fees under the federal Copyright Act are dismissed with prejudice.

A handwritten signature in black ink, appearing to read "Kenneth H. Gonzalez", written over a horizontal line.

UNITED STATES DISTRICT JUDGE